

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO**

JUDITH A. RODGERS
2160 Alliance Road, N.W.
Malvern, OH 44644

Plaintiff,

VS.

WHITACRE GREER COMPANY
C/O Statutory Agent
Janet W. Kaboth
1400 South Mahoning Avenue
Alliance, OH 44601

Defendant.

CASE NO.

JUDGE

COMPLAINT

(jury demand
endorsed hereon)

Now Comes Plaintiff, Judith Rodgers, by and through undersigned counsel and
for her Complaint states as follows:

1. Plaintiff Judith A. Rodgers is a United States Citizen and resident of Stark County, Ohio.
2. Defendant Whitacre Greer Company is an Ohio Corporation with a location at 1400 South Mahoning Avenue, Mahoning County, Alliance, Ohio.
3. This action arises under the Age Discrimination in Employment Act.
4. This court has jurisdiction as this action arises under the Laws of the United States; the Age Discrimination in Employment Act (ADEA) 29 U.S.C. §623 and the common law of Ohio.

5. Venue is properly laid in the Northern District of Ohio as Defendants, have a principal place of business located in Mahoning County, Ohio and all actions complained of took place within the geographical jurisdiction of this Court.
6. Plaintiff filed a charge with the EEOC and Ohio Civil Rights Commission in March, 2019. Plaintiff requested a right to sue letter in March, 2019, to obtain jurisdiction to file this complaint. It is attached as Complaint Exhibit "A".
7. Plaintiff was first hired by Defendant On May 10, 1971. She worked continually for Defendant until her termination on January 4, 2019. Her date of birth is May 7, 1953.
8. Plaintiff was employed by Defendant at the Mahoning Avenue, Alliance, Ohio and Waynesburg, Ohio locations throughout her employment.
9. Plaintiff was first employed as an accounts payable clerk. Over her career with Defendant she held the additional positions of accounts receivable, payroll, shopping and inventory.
10. Plaintiff was informed on January 4, 2019 that her position was being eliminated. She was terminated the same day.
11. Her duties were reassigned to Vince Edward and Ashley Muniz, persons under forty years of age and significantly younger than Plaintiff.
12. Plaintiff had never been disciplined during forty-seven year tenure with Defendants for her performance or any other reason.

Count I
ADEA, 29 U.S.C. § 623 et seq.

13. Plaintiff incorporates paragraphs 1-12 as if fully re-written herein.
14. Plaintiff was a worker over the age of forty (40) at all relevant times.

15. Defendant is an employer subject to the Age Discrimination in Employment Act. (ADEA).
16. Plaintiff was informed by Defendant that she was being terminated from her position in January, 2019 due to position elimination.
17. Two workers under forty were retained in Plaintiff's department and assumed all her duties.
18. Plaintiff was terminated from her long time position without any legitimate business justification.
19. Plaintiff's age was the motivating factor in Defendants' termination of her employment.
20. Defendants Claim that it eliminated Plaintiff's job was pretextual.
21. Defendants claim that Plaintiff was terminated because she refused to cross train is false and also pretextual.
22. Defendant's actions were in willful and wanton violation of Plaintiff's rights.
23. As a direct and proximate cause of Defendant's termination of her employment, Plaintiff has been damaged.

WHEREFORE, Plaintiff Judith A. Rodgers demands judgment against Defendant Whitacre Greer Company as follows:

- A. That the Court award actual and compensatory damages in excess of Seventy-five Thousand Dollars (\$75,000.00) including front pay, back pay, liquated damages and all other damages permitted by the Age Discrimination in Employment Act;
- B. That the Court award Punitive Damages in excess of Seventy-five Thousand Dollars (\$75,000.00);

- C. Attorney Fees and costs of suit; and
- D. Any other relief this Court deems fit.

Respectfully submitted,

/s/ Robert J. Tscholl
Robert J. Tscholl (0028532)
Jennifer L. Arnold (0070848)
Attorneys for Plaintiff
400 South Main Street
North Canton, OH 44720
330-497-8614– Telephone
330-497-8613 – Facsimile
Btscholl740@yahoo.com
jlamesq@earthlink.net

JURY DEMAND

Plaintiff demands a trial by jury on all triable issues.

/s/ Robert J. Tscholl
Robert J. Tscholl
Attorney for Plaintiff